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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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6/1/03*

In re U.S. Patent Application of:

Ronald D. BLUM ET AL.

Serial No.: 10/046,244

Filing Date: January 6, 2002

Title: ELECTRO-OPTIC LENS WITH
INTEGRATED COMPONENTS

BOX NON-FEE AMENDMENT

Group Art Unit: 2873

Examiner: J. STULTZ

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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PROVISIONAL ELECTION AND RESPONSE

Sir:

The present Election is being filed in response to an Office Action dated May 6, 2003 in the above-captioned application (the "Application"). Claims 1-50 are currently pending in the Application. In the Office Action it was asserted that the Application contains claims directed to three patentably distinct inventions. Specifically it was asserted that Claims 1-30 and 45-50 are drawn to a product which could be made by another different and materially different process than claimed in Claims 31-40. It was further asserted that Claims 41-44 are drawn to a product which could be made by another different and materially different process than claimed in Claims 31-40. It was still further asserted that Claims 1-30 and 45-50 are patentably distinct

from Claims 41-44 as a combination and subcombination. Finally, it was asserted that Claims 1-30, and 45-50 are drawn to four patentably distinct groups of species. As a result, the Examiner issued a restriction requirement requiring the election of a single group of claims for prosecution.

The claims as grouped by the Examiner appear as follows:

I(A). Claims 1-13, 45-47, 49-50

I(B). Claims 14-24

I(C). Claims 25-30

I(D). Claim 48

II. Claims 31-40

III. Claims 41-44

The Applicants respectfully traverse the restriction requirement and provisionally elect the claims of Group IA.

Under the patent statute, 35 U.S.C. § 121, an application may be properly required to be restricted to one of two or more claimed inventions, only if they are able to support separate patents and they are either independent or distinct. 37 C.F.R. 1.141; MPEP 803. However, if the search and examination of an entire application can be made without serious burden, then the examiner must examine it all on the merits, even though it includes claims to distinct or independent inventions. MPEP 803.

Applicants assert that a six-way restriction requirement is a severe measure for Applicants to deal with in the instant situation when compared with the search and examination


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required by the Examiner, particularly as to Groups I(A)-I(D). Applicants submit that claims 1-30, and 45-50 require only a single search. Applicants further submit that claims 31-40 and claims 41-44, would additionally require little or no additional searching on the Examiner's part, causing no undue burden.

Accordingly, Applicants respectfully traverse the restriction requirement but provisionally elect Group I(A) containing claims 1-13, 45-47, and 40-50 in order to comply with the restriction requirement.

Date: June 4, 2003

Respectfully submitted,

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